

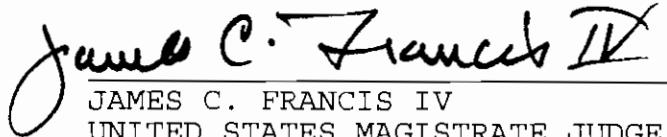
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKO R D E R (ECF)

In Re: Methyl Tertiary Butyl Ether : Master File C.A. No.
("MTBE") Products Liability : 00 Civ. 1898 (SAS)
Litigation : MDL 1358

-----:
This document pertains to :
City of New York v. Amerada Hess, :
et al. :
No. 04 Civ. 3417 :
-----:
JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

The Court issued an order dated July 22, 2009, a copy of which is attached. That order erroneously refers to "designated portions of the deposition of Robert F. Staab." It is hereby deemed corrected to read: "designated portions of the deposition of Norman Novick.

SO ORDERED.

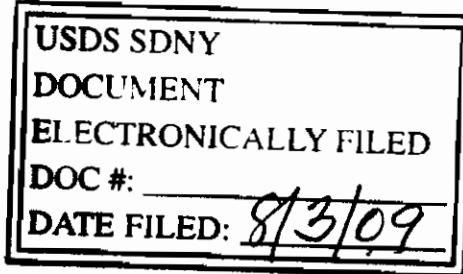

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
August 3, 2009

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DATE FILED: 7/22/09

The Court having reviewed the objections to designated portions of the deposition of Robert F. Staab, the objections are determined as follows:

<u>Tab</u>	<u>Pages/Lines</u>	<u>Ruling</u>
1	56:09 57:01	Overruled; defense counsel stipulated that the exhibit was a business record, <u>see</u> 55:05-55:14.
2	61:13-20 61:21-24	Overruled as to 60:23-60:24, <u>see</u> ruling for Tab 1; otherwise sustained as the witness denies personal knowledge.
3	63:09-63:17 63:18-64:01	Overruled; <u>see</u> ruling for Tab 1. Sustained; the witness denies personal knowledge.
4	71:21-72:10	Overruled; <u>see</u> ruling for Tab 1; the witness is qualified to give opinion testimony.
5	75:11-75:19	Overruled; the information is within the knowledge of this 30(b) (6) witness.
6	77:11-77:15	Overruled; in context, this inquiry is sufficiently specific.
7	78:22-79:12 79:13-79:23	Overruled; information about the defendant's retention of data about MTBE is relevant; the witness indicates sufficient personal knowledge.

9 91:19-92:07 Sustained; the witness denies
92:08-92:18 personal knowledge.

10 93:08-94:01 Overruled; see ruling for Tab
5.

11 116:08-116:11 Sustained; speculation.

12 120:21-121:04 Sustained; speculation.

13 122:18-123:25 Overruled; see ruling for Tab
4.

14 124:01-124:25 Overruled; see ruling for Tab
4.

15 125:01-125:09 Overruled; authentication is
not an issue because the
witness is testifying
concerning his own knowledge.

16 127:15-129:21 Overruled; see ruling for Tab
4; no hearsay is being offered
for the truth of the matter.

17 130:25-131:19 Overruled; see ruling for Tab
4.

18 143:04-143:14 Overruled; the witness
identifies the exhibit and
offers a knowledgeable
explanation of its context.

19 147:04-147:14 Overruled; the witness
clarifies his earlier
testimony.

20 165:12-165:20 Sustained; the witness denies
knowledge; speculation.

21 174:13-174:20 Overruled; the witness was an
author of the document
referenced, see 175:14-175:19.

22 177:05-177:23 Overruled; see ruling for Tab
19.

23 178:09-178:17 Overruled; the testimony is
sufficiently clear in the
context of previous testimony.

Pages/Lines	Ruling
24	184:13-184:25
	Overruled, subject to connection, i.e., if there is evidence that Mobil used MTBE as an octane enhancer in the late 1980s.

SO ORDERED.



JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
July 22, 2009

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